



Appl. No.: 09/804,848  
Comm. Dated: March 30, 2004  
Reply to Office action of: August 28, 2003

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REMARKS/ARGUMENTS

The claims have been rejected based on the doctrine of "provisional obviousness-type double patenting" over Pending Application Serial No. 10/054,479. Applicants understand this to mean "provisionally rejected" for obviousness-type double patenting. A terminal disclaimer will be filed at the appropriate time, if necessary.


The claims have been rejected under §102(e) as being anticipated by or obvious over Maeda (US Pat. -- 6,597,320). According to §102(e), a reference must have a filing date earlier than the filing date of the subject application. The subject application was filed March 13, 2001. Maeda's application was filed September 6, 2001, which is later than the filing date of the subject application. Therefore, the rejection is improper for the same reason that the previous rejection based on Maeda's publication was improper. Since the rejection is improper, applicants request reconsideration and withdrawal of the rejection.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33422.

Respectfully submitted,

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Date: March 30, 2004